

March 2, 2004

Assistant Commissioner of Patents
Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Software, apparatus, and method for hand-held electronic devices and advertising thereon

US File # **20010032124**

Filed: 12/13/2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20010032124**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (updating) via the modem (0017) or otherwise to a remote terminal (handheld) (0026) that delivers advertising based keywords (prescriptions) (0025) upon location as well as an executable program selection while mobile. Uploads and downloads are performed through broadband wireless internet communications or through a wired electronic connection.

Relevant Claims are: 1, 2, 3 and others. The abstract reads, "A new and improved method and apparatus for writing electronic prescriptions is described herein. The system includes placing advertising on the electronic device, such that the advertising is viewable on the hand-held electronic device's viewing screen, the advertising being selectively updatable.

Consistently, the inventor describes the invention in internet terms ... because it is simply an extension of the internet (an electronic communication system) relating to advertising delivery. Writing prescriptions and using the comparing those keywords to the advertising database and using that match to display relevant advertising is nothing new. Descriptions of these actions and functions are described in (0008), 0025) (0026) (0027) and others.

This is referred to as "pull" advertising as a voluntary action (writing a prescription) on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/13/2000 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows a web browser window displaying a patent document from the European Patent Office (EPO) via Espacenet. The URL in the address bar is <http://3.espacenet.com/textdoc?A=Zetmeir&D=FRIST&t=Cy=ep146=en&D9=EPDOCSet=All&n=Zetmeir&Submit>. The page title is "espacenet document view".

The main content area displays the following details for the patent:

TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic Data	Description	Claims	IPC	Legal status
Patent number: CA2328913				Also published as:
Publication date: 1999-10-26				WO9955066 (A1) EP1076983 (A1)
Inventor: ZETMEIR KARL D (US)				
Applicant: ZETMEIR KARL D (US)				
Classification:				
International: H04M3/00				
European:				
Application number: CA1992223910 (19990414)				
Priority number(s): US199806204119980417, WO1998050302, 19990419				

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



